

REMARKS / ARGUMENTS

This response is accompanied by a request for a three month extension of time. Accordingly, it is respectfully submitted that this Response is timely filed.

In paragraph 1 of the detailed action the Examiner acknowledged that the substitute drawings received on December 9, 2002 were approved by the USPTO drafts person. The Examiner is thanked for advising that the drawings have been approved.

In paragraph 4 of the detailed action, the Examiner advised that claims 5, 9, 10, 14-16, 20, 21, 23, 24 and 29-59 have been withdrawn from further consideration. Accordingly, in the listing of claims attached hereto, these claims have been identified as being withdrawn.

In paragraph 5 of the detailed action, the Examiner stated that the phrase "a by" on page 21, line 9 should be changed to --as by--. In addition, the Examiner stated that reference numeral "50" at page 24, line 14 should be changed to --11--. By this Response, the applicant has made the changes suggested by the Examiner.

In paragraph 6 of the detailed action, the Examiner rejected claims 1-4, 6-8, 11-13, 17-19, and 22 under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Examiner stated that the phrase "the electronic filter" should be inserted between the words "comprising" and "a" in the first line of clause (b) of claim 1. By this Response, claim 1 has been so amended. In addition, the Examiner stated that there is insufficient antecedent basis for the limitation "each electrically insulating layer" in line 7 of claim 17. By this Response, the applicant has amended claim 17 to change "electrically insulating" to "dielectric". A consequential change was required to claim 18.

With these changes, the applicant respectfully submits that independent claims 1 and 17, and the claims dependent thereon, now comply with 35 USC 112, second paragraph.

In paragraph 9 of the detailed action, the Examiner rejected claims 1-4, 6-8, 11-13, 17-19, 22, and 25-28 under 35 USC 103 (a) as being unpatentable over Inculet ('168) in view of Frey et al. However, the Examiner advised at paragraph 10 that claim 1 would be allowable if re-written or amended to overcome the rejections under 35 USC 112, second paragraph and to include the limitations in dependent claims 2, 4 and 7, and, in addition, to define the cyclone as being located upstream of the electronic filter.

As previously stated, claim 1 has been amended to comply under 35 USC 112, second paragraph. In addition, the applicant has amended claim 1 to include the limitations of claims 2, 4 and 7 and to define the cyclone as being upstream of the filter assembly. Accordingly, the applicant respectfully submits that claim 1, and the claims dependent thereon which have not been withdrawn, are now allowable. In view of the indication of

allowable subject matter the applicant respectfully request reconsideration of the dependent claims which are to non-elected species.

Claim 17 was rejected under 35 USC 103 (a) as being unpatentable over Inculet in view of Frey et al. In particular, the Examiner stated that Inculet discloses a vacuum cleaner with "spaced apart electrically conductive metal plate members 32, 34, 36, 60, 62, 68 and 70". As shown in Figure 3 of Inculet, members 32, 34, 36, are defined as "conductive wire meshes" (column 8, line 29). Each wire mesh is comprised of a plurality of wires 22, 24 as shown in particular in Figure 2. Each of the first set of wires 22 is conductively coupled at one end to a common busbar 22. Each of the second set of conductive wires 24 is conductively coupled at one end to a busbar 28 (see page 6, lines 4-8). A source of alternating electrical voltage 30 is coupled between the busbars 26, 28. The source 30 applies a square wave having peak voltage of approximately 9 volts positive and negative, to the busbar 28. The busbar 26 is substantially grounded (column 6, lines 12-16). Accordingly, each conductive wire mesh 32, 34 and 36 is not of the uniform polarity while in operation. In particular, due to the use of an alternating electrical voltage source 30, the polarity of wires 24 would reverse.

In discussing the embodiment of Figure 12 in the instant application, it is stated as follows:

In operation, as charged particles pass through flow path 198, they will inductively charge electrically conductive layers 180. In this way, the first layer 180A will become, e.g., negatively charged and induce an opposite charge (e.g. a positive charge) on the next adjacent layer 180B. (page 26, line 30-page 27, line 3)

Accordingly, in the embodiment of Figure 12, each electrically conductive layer 180 is of uniform constant polarity during use (i.e. always carries the same charge polarity). Accordingly, the applicant has hereby amended claim 17 to include this requirement. In view of this amendment, the applicant respectfully submits that claim 17, and the claims which are dependent thereon which have not been withdrawn, are patentable over the art of record. In particular, the applicant respectfully points out that "metal plate members 32, 34, 36" are not of a constant uniform polarity during use due to alternating source 30. Accordingly, the applicant respectfully submits that claim 17 and the dependent claims which have not been withdrawn are allowable over the art of record.

The Examiner also rejected claim 25 in view of the same references. As set out in claim 25, as amended hereby, the gas which is to be filtered is passed through a plurality of non-conductive members which are interspersed between zone of a different potential but of a single constant polarity. Once again, the applicant respectfully points out that even if members 32, 34 and 36 of Inculet can be considered a "zone of different potential but of a single polarity", which is not hereby admitted, the applicant respectfully submits that the polarity is not constant due to the use of the alternating electrical source. Accordingly, the applicant respectfully submits that claim 25 and the claims dependent thereon are allowable over the art of record.

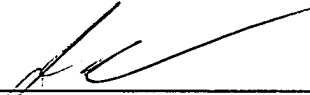
As set out in the Office Action of November 7, 2002 upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form and include all the limitations of the generic claim as provided 37 CFR 1.141 (page 3, third paragraph of the Office Acton). Accordingly, the applicant respectfully request that due consideration now be provided to dependent claims if the Examiner concurs that claims 17 and 25 are allowable. In any event, given the allowablity of claim 1, the applicant respectfully requests consideration of the remaining claims in the application which are noted as being withdrawn pursuant to the provisions of 37 CFR 1.141.

Should the Examiner have any questions concerning this Response, the Examiner is respectfully requested to contact the undersign at 416-957-1695.

In view of the forgoing amendments and comments, the applicant respectfully submits that the application is now in condition for allowance. Favourable consideration is respectfully requested.

Respectfully submitted,

Bereskin & Parr

By: 
Philip C. Mendes da Costa
Registration No. 33,106
(416) 957-1695

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